POLICE DISPOSITION OF SEXUAL ASSAULT COMPLAINTS

Presenters
April Pattavina, Ph.D.
Associate Professor and Ph.D. Program Director in the School of Criminology and Justice Studies, University of Massachusetts Lowell

Melissa Schaefer Morabito, Ph.D.
Associate Professor at University Massachusetts Lowell in the School of Criminology and Justice Studies and an Associate at the UMASS Lowell Center for Women & Work

Linda M. Williams, Ph.D.
Director, Justice and Gender-Based Violence Research (JGBVR) initiative, Wellesley Centers for Women (WCW), Wellesley College

Preliminary findings: This project was supported by Award No 2012-IJ-CX-0052, awarded by the National Institute of Justice, Office of Justice Programs, U.S. Department of Justice to the University of Massachusetts Lowell. The opinions, findings, and conclusions or recommendations expressed in this webinar are those of the author(s) and do not necessarily reflect those of the Department of Justice.
Sexual Assault Case Attrition Research
Webinar Topics Covered

• Planning Sexual Assault Attrition Research

• Preliminary Findings from Replication Research
  • Mapping cases through the system
  • Correlates of case outcomes

• Sexual Assault Research in Contemporary Context
Planning SA Attrition Research

Defining Attrition

• Systemic focus that follows incidents beginning with the first report to police through the prosecution and disposition

• Does not address reasons why victims do or do not report incidents to police, but once in the system, we can begin to understand what victim, suspect and incident characteristics move a case from report through prosecution.
Sexual Assault Case Flow  Key Decision Points and Outcomes

Incident Report to Police
  - Investigation
  - Case Clearance
  - Unfounded

Arrest

Prosecutorial Decision To Charge
  - Charges Filed
  - Charges Declined

Case Outcome
  - Conviction
  - Acquittal
  - Dismissal
  - Not Concluded

Conviction
  - Sentence

Charges Filed

• Probation
• Jail
• Prison

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The Need for Attrition Research

• The percentage of SA incidents that end in arrest continues to be small and varies from 12% - 45% across studies.

• Research on attrition at the arrest and prosecutorial stages has typically found that case decisions are influenced by legal and extra-legal factors.

• Emerging research that is drawing attention away from a linear approach to the attrition process and toward a system where the boundaries between police and prosecutors overlap.
Designing a case attrition study

- For this webinar, we will be sharing our experiences on a project funded by the National Institute of Justice to replicate and expand upon a study conducted by Cassia Spohn and Katherine Tellis (2012) on cases from LAPD and LASD reported in 2005-2009.

- A multi-site and mixed-methods approach
Site Selection

• The replication parameters set up by NIJ included selecting 6-8 jurisdictions across the US that represented small, medium and large jurisdictions with diverse populations

• We selected 6 jurisdictions across four states representing small, medium and large police departments:
NIBRS reporting agencies

• **Standard classification for reporting specific sexual violence crimes.**
  - NIBRS reports incident details on more than 46 crime categories
    - Sexual Assault
    - Sodomy
    - Sexual Assault with an Object

  - **NIBRS certification requires specific victim, suspect details associated with each reported incident details be submitted to the FBI. This process represents a commitment to more complete report writing by the police.**

  - **Helped to gage the number of cases to expect in each jurisdiction for planning purposes and presented an opportunity to serve as a sample frame**
Sample selection

- Consider the case outcomes of interest
  - Arrest decisions (police reports)
  - Charging decisions (prosecutor)
  - Case Disposition (courts)

- Outcomes are from different data sources and require linking across RMS and Court systems

- Given the low percentage of cases that end in arrest and prosecution, we collected information on all SA cases reported to the police involving victims over 12.
  - (N=3,269 victims for the years 2008-2010)
Approach to Data Collection: Quantitative

• Our study is intended to serve as a replication, so the data collection strategy was similar to Spohn and Tellis 2012

• We designed a coding instrument to gather victim, suspect, and incident characteristics.
  • Capture police and prosecutor decision making

• We also designed a coding instrument to gather details related to disposition
  • Capture the court outcomes
Case Outcomes: Police Decision Making

- **Unfounded**

- **Cleared by Arrest**

- **Cleared by Exceptional Means**
  - Official FBI classification options (probable cause must exist)
    - Death of the suspect
    - The suspect is in custody in another jurisdiction
    - Juvenile diversion
    - Victim refuses to cooperate
    - Prosecutorial decline

- **Open**
Case outcomes for Reported Sexual Assault Incidents in 6 jurisdictions – Report to charging decision, 2008 to 2010

Reports
N=2,887

- Investigation Continuing
  N=56 (1.9%)
- Unfounded
  N=212 (7.3%)
- Open/Inactive
  N=1215 (42.1%)
- Case Closed
  N=1404 (48.6%)

- Cleared by Arrest
  N=544 (17.5%)
  Adult Arrested
  N=504
    - Charges Filed
      N=363 (72.0%)
    - Charges Declined
      N=115 (22.8%)
    - Charges Unknown/No information
      N=26 (5.2%)

- Exceptionally Cleared
  N=860 (29.8%)

Charges Filed – Unknown Court Outcome
N=9 (2.5%)
Investigatory/ Police Case Outcomes

2887 cases reported by female victims in 6 jurisdictions

44% remain open (more in small sites)

7% were unfounded (fewer in small sites)

18% resulted in an arrest (range 15-18% across sites)

S&T ranged from 12% in LAPD and 32% in LASD

30% were cleared by exceptional means (fewer in small sites)
Prosecutorial Case outcomes for Reported Sexual Assault Incidents in 6 Jurisdictions, 2008 to 2010

Charges Filed
N=354 (70.2%)

- Court case did not move forward
  N= 84 (23.7%)
- Charges Dismissed
  N= 43 (12.1%)
- Nolle Prosequi
  N= 18 (5.1%)
- Other
  N= 7 (2.0%)
- Not Guilty
  N= 13 (3.7%)
- Guilty
  N= 189 (53.4%)

  Acquitted Jury
  N= 11 (84.6%)
  Not Guilty Unknown
  N= 2 (15.4%)
  Guilty Plea
  N= 153 (81.0%)
  Guilty by Judge
  N= 7 (3.7%)
  Guilty by Jury
  N= 25 (13.2%)
  Guilty Unknown
  N= 4 (2.1%)

Guilty Sentencing Outcomes
N=189

- Incarceration Sentence
  N= 164 (86.8%)
- Probation Sentence
  N= 23 (12.2%)
- Community Service Sentence
  N= 0 (0.0%)
- Counseling Sentence
  N= 0 (0.0%)
- Other Sentence
  N= 2 (1.0%)
Prosecutorial Case Outcomes

Prosecutors go forward with cases that have high likelihood of conviction

- Over ½ of cases with charges filed by prosecutor resulted in a “guilty” outcome
- Most (81%) are the result of guilty pleas

Few Jury trials

- Only 36 cases went to a jury trial
- 6% of all reports result in a conviction
Predictors of Case Outcomes

• Legal Factors
  • Case Seriousness
    • Suspect Physically Assaulted Victim
    • Victim did not recall Assault Details*
    • Weapon Use
    • Collateral Injury
    • Type of resistance (verbal, physical, both)
  • Strength of Evidence
    • Reporting within one day
    • Number of Witnesses
    • Victim willing to cooperate
    • Physical Evidence
Predictors of Case Outcomes

• Extra-Legal Factors
  • Age
  • Race
  • Relationship to suspect
  • “Risk-Taking” Behavior
  • Questions about Character
  • Mental Illness or Mental Health Issues
  • Motive to Lie
Reliability in Coding

- Coders must be trained to identify signals in written police reports that suggest challenges to victim character or credibility.

- For example, cases where the victim had a motive to lie may be determined in cases where there were details in the report to suggest that a victim may be reporting to cover up an infidelity.

- Or, that the victim was past curfew and did not want to get in trouble.

- We conducted a reliability test that determined a moderate level of reliability in some of these factors.
  - further training and added consistency checks
Case Outcomes: Unfounding

• Only 212 cases were unfounded across all six sites.
• Victim recantation was the strongest predictor of the likelihood of unfounding.
  • 19 times more likely to be unfounded if victim recants
• Report was more likely to be unfounded by police if the victim alleged that she was assaulted by a stranger than by a nonstranger or intimate partner.
Predictors of Unfounding: Replication v. S&T Study

<table>
<thead>
<tr>
<th>Variable</th>
<th>Significant in S&amp;T Study</th>
<th>Significant in Replication</th>
</tr>
</thead>
<tbody>
<tr>
<td>Victim Recantation</td>
<td>+</td>
<td>+, but not as strong</td>
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<tr>
<td>Assaulted by a Stranger</td>
<td>+</td>
<td>+</td>
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<tr>
<td>Mental Illness or Mental Health Issues</td>
<td>+</td>
<td></td>
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<tr>
<td>Victim Character</td>
<td>+</td>
<td></td>
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<tr>
<td>Collateral Physical Injury</td>
<td>+</td>
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<tr>
<td>Physical Assault</td>
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<td>-</td>
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<tr>
<td>Police Believe that Victims have a Motive to Lie</td>
<td></td>
<td>+</td>
</tr>
<tr>
<td>Victim was Cooperative</td>
<td></td>
<td>+</td>
</tr>
<tr>
<td>Victim Employed Resistance</td>
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<td>-</td>
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## Predictors of Arrest: Replication v. S&T Study

<table>
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<tr>
<th>Variable</th>
<th>Significant in S&amp;T Study</th>
<th>Significant in Replication</th>
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</thead>
<tbody>
<tr>
<td>Black victim</td>
<td>+</td>
<td>+</td>
</tr>
<tr>
<td>Non stranger</td>
<td>+</td>
<td>+</td>
</tr>
<tr>
<td>Intimate Partner</td>
<td>+</td>
<td>+</td>
</tr>
<tr>
<td>Risk Taking Behavior at Time of the Incident</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Mental Illness or Mental Health Issues</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Police Indicate Victim has a Motive to Lie</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Victim No Recall of Assault</td>
<td>na</td>
<td>-</td>
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<tr>
<td>Most Serious Charge is Rape</td>
<td>+</td>
<td>na</td>
</tr>
<tr>
<td>Collateral Physical Injury</td>
<td>+</td>
<td>+</td>
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<tr>
<td>Verbal and Physical Resistance</td>
<td>+</td>
<td></td>
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<tr>
<td>Reported in one day</td>
<td>+</td>
<td>+</td>
</tr>
<tr>
<td>Number of Witnesses</td>
<td>+</td>
<td>+</td>
</tr>
<tr>
<td>Physical Evidence</td>
<td>+</td>
<td>+</td>
</tr>
<tr>
<td>Victim was Cooperative</td>
<td>+</td>
<td>+</td>
</tr>
</tbody>
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Approach to data collection: Qualitative

- Interviews ranged from 30 to 90 minutes and were conducted at the convenience of the practitioner
- To Explain and Understand the Quantitative Findings
  - Interviews with Detectives
  - Interviews with Prosecutors
- Conducted until Saturation was Reached or all Practitioners Interviewed
- Focus Group with Victim Service Providers
Police Interviews

Interviewed 18 police (2 patrol officers and 16 detectives) with between 5 and 34 years in policing. Police told us:

• Responding to sexual assaults is different from other types of crime.
• The initial patrol contact is crucial to gaining victim trust and establishing rapport
• Evidence is crucial for successful investigations
• Incomplete disclosures are often a deciding factor in whether to move forward.
• There is an unwillingness to unfound cases
• Prosecutors play a big role in investigations
Prosecutorial Interviews

Interviewed 24 prosecutors from the 6 jurisdictions, 15 females / 9 males with an average of 10 years of experience prosecuting felony sexual assault cases. Prosecutors told us:

• DA turnover is common
• Importance of the victim in all cases, “cases begin and end with the victim.”
• Critical importance of plea bargaining in adjudication of these cases
• Stated they were not assessed based on conviction rates but emphasized the need to take forward cases most likely to reach a guilty verdict.
• Were clear that many cases could not be taken forward for variety of reasons reflected in our quantitative data analysis (e.g., victim credibility)
• Stressed the need to reduce the number of cases that a unit takes forward to a manageable level given the resources available, problems of prosecutor burnout, and the likelihood of conviction.
Challenges with Conducting Attrition Research

• **How to Insure there are enough Cases that are Adjudicated**
  - Sample v. Population
  - Making adjustments for smaller sites

• **Jurisdictional Differences**
  - Crime Definitions
    - Who is an adult?
  - Differing Relationships across Agencies
  - Varying norms and procedures
    - What gets included in a report

• **Agency Turnover**
  - Access
  - Changing relationships and procedures
  - Shifting Priorities
Areas for Continued Study: The Research Continues

- **Understanding Variation in Reporting Across Jurisdictions**
- **Unpacking “Victim Refuses to Cooperate”**
- **Identifying the Roles of Judges and Juries in the Attrition Process**
- **Differentiating the Experiences of Under-Studied Victims**
  - Young adults v. Children
  - Men
Questions?
Thank You